two sanctions available to the Administrator: highway funding and offsets. The 18 month period referred to in section 179(a) will begin at the time EPA publishes final notice of this disapproval. Moreover, the final disapproval triggers the federal implementation plan (FIP) requirement under section 110(c).

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

EPA's disapproval of the State request under section 110 and subchapter I, part D of the CAA does not affect any existing requirements applicable to small entities. Any pre-existing federal requirements remain in place after this disapproval. Federal disapproval of the state submittal does not affect its state-enforceability. Moreover, EPA's disapproval of the submittal does not impose any new Federal requirements. Therefore, EPA certifies that this disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements and impose any new Federal requirements.

This action has been classified as a Table 2 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225), as revised by an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The OMB has exempted this regulatory action from E.O. 12866 review.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action, pertaining to the disapproval of the District of Columbia Municipal Regulations Title 20, Sections 200, 201, 202, 204, 299 and associated definitions in Section 199, must be filed in the United States Court of Appeals for the appropriate circuit by May 23, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: February 17, 1995.

Stanley Laskowski,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart J—District of Columbia

2. Section 52.472 is amended by adding paragraph (f) to read as follows:

§ 52.472 Approval status.

* * * * *

(f) Disapproval of revisions to the District of Columbia State Implementation Plan, District of Columbia Municipal Regulations (DCMR) Title 20, Sections 200, 201, 202, 204 and 299, pertaining to permitting of sources, and associated definitions in Section 199 submitted on June 21, 1985 and October 22, 1993 by the Mayor of the District of Columbia (1985 submittal) and by the Administrator of the District of Columbia Environmental Regulation Administration (1993 submittal). The disapproved regulations include those applicable to major new and major modified sources wishing to locate in the District. A new source review program for such major sources is required under sections 182 and 184 of the Clean Air Act. There are many deficiencies in the DCMR permitting regulations. Some of these deficiencies are the lack of public notice and comment procedures for new and modified sources applying for construction permits, the existence of a provision that allows the Mayor to grant indefinite 1-month temporary permits to those sources whose permits he/she determines have been delayed because of his/her office, the inclusion of a major source operating permit program, the inclusion of a minor source operating permit program that does not meet Part D requirements of the Act, the exemption of certain fuel burning (nitrogen oxide emitting) sources, incorrect citations of the Clean Air Act, a provision that allows circumvention of the offset requirement, and the lack of the de minimis special modification provisions required in serious and severe ozone nonattainment areas (section 182(c)(6) of the Clean Air Act).

[FR Doc. 95–7243 Filed 3–23–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 180

[PP 4F4318/R2118; FRL–4943–9]

RIN 2070–AB78

Beauveria Bassiana Strain GHA; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for residues of *Beauveria bassiana* Strain GHA in or on alfalfa, corn, cotton, potatoes, rapeseed, safflower, small grain crops, soybeans, sugarbeets, sunflower, rangeland, improved pastures, and in meat, milk, or other animal products from livestock grazed on treated rangeland or improved pastures when applied to growing crops in accordance with good agricultural practices. Mycotech Corp. requested this exemption.

EFFECTIVE DATE: March 10, 1995.

ADDRESSES: Written objections, identified by the document control number, [PP 4F4318/R2118], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled ''Tolerance Petition Fees'' and

forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

FOR FURTHER INFORMATION CONTACT: By mail: Patricia A. Cimino, Biopesticides and Pollution Prevention Division (7501W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (703)–308–7035; e-mail: Cimino.Patricia@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 13, 1994 (59 FR 35718), EPA issued a notice that Mycotech Corp., 630 Utah Drive, P.O. Box 4109, Butte, MT 59701, had submitted pesticide petition (PP) 4F4318 proposing to amend 40 CFR part 180 by establishing a regulation pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to exempt from the requirement of a tolerance the residues of the microbial pest control agent *Beauvaria bassiana* Strain GHA in or on alfalfa, corn, cotton, potatoes, rapeseed, safflower, small grain crops, soybeans, sugarbeets, sunflower, rangeland, improved pastures, and in meat, milk, or other animal products from livestock grazed on treated rangeland or improved pastures when applied to growing crops in accordance with good agricultural practices. In the **Federal Register** of February 8, 1995 (60 FR 7543), EPA issued a notice of amendment to PP 4F4318 to establish a regulation to exempt from the requirement of a tolerance residues of the insecticide *Beauvaria bassiana* Strain GHA in or on all raw agricultural commodities.

There were no comments received in response to the notices of filing.

Beauveria bassiana Strain GHA is naturally occurring and was originally isolated from indigenous grasshoppers.

The data submitted in the petition and all other relevant material have been evaluated. The toxicological data considered in support of the exemption from the requirement of a tolerance for *Beauveria bassiana* Strain GHA in or on rangeland, improved pastures, meat, milk, or other animal products from livestock grazed on treated rangeland or improved pastures, alfalfa, corn, potatoes, rapeseed, safflower, small grain crops, soybeans, sugarbeets, and sunflower include an acute oral toxicity/pathogenicity study, an acute dermal toxicity study, an acute pulmonary toxicity/pathogenicity study, an acute intraperitoneal toxicity/pathogenicity study, and primary eye irritation studies.

The results of these studies indicated that the organism was not toxic to test animals when administered via oral, dermal, pulmonary, or intraperitoneal routes.

The active ingredient was not infective or pathogenic to the test animals in any of the studies. Ocular lesions were observed in the eye irritation study with the technical-grade active ingredient (TGAI) and resulted in a Toxicity Category I rating. Minimal ocular irritation was observed in the eye irritation studies done with oil-flowable and emulsifiable suspension end-use product formulations indicating that the lesions observed in the eye irritation test done with TGAI may have been due to physical effects of the TGAI. Slight skin irritation persisted in test animals treated with the TGAI resulting in a Toxicity Category III rating. There have been no reports of hypersensitivity related to the active ingredient. All of the toxicity studies submitted are considered acceptable.

The toxicology data provided are sufficient to demonstrate that there are no foreseeable human health hazards likely to arise from use of *Beauveria bassiana* Strain GHA on the requested food and feed commodities when applied during the growing season in accordance with good agricultural practices.

Acceptable daily intake (ADI) and maximum permissible intake (MPI) considerations are not relevant to this petition because the data submitted demonstrated that this biological control agent is not toxic to humans by dietary exposure. No enforcement actions are expected based on a level of residues in food. Therefore, the requirement for an analytical method for enforcement purposes is not applicable to this exemption request. This is the first exemption from the requirement of a tolerance for this microbial pest control agent.

Based on the information considered, the Agency concludes that establishment of a tolerance is not necessary to protect the public health. Therefore, the exmeption from tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register,** file written objections and/or request a hearing with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f), the order defines a ''significant regulatory action'' as an action that is likely to result in a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities (also referred to as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of the Executive Order, EPA has determined that this rule is not ''significant'' and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 10, 1995.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In subpart D, by adding new § 180.1146, to read as follows:

§ 180.1146 Beauveria bassiana Strain GHA; exemption from the requirement of a tolerance.

Beauveria bassiana Strain GHA is exempted from the requirement of a tolerance in or on alfalfa, corn, cotton, potatoes, rapeseed, safflower, small grain crops, soybeans, sugarbeets, sunflower, rangeland, and improved pastures and in meat, milk, or other animal products from livestock grazed on treated rangeland or improved pastures when applied to growing crops according to good agricultural practices.

[FR Doc. 95–7452 Filed 3–22–95; 12:28 pm]

BILLING CODE 6560–50–F

40 CFR Part 180

[PP 5F4427/R2118; FRL–4942–8]

RIN 2070–AB78

Chlorpyrifos; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes a time-limited tolerance for residues of the insecticide chlorpyrifos [*O*,*O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate] in or on the raw agricultural commodities oats and barley when blended together in a mixture containing not more than 97% oats and not less than 3% barley. General Mills requested this regulation to establish the maximum permissible level for residues of the insecticide in or on the commodities.

EFFECTIVE DATE: This regulation becomes effective March 24, 1995.

ADDRESSES: Written objections, identified by the document control number, [PP 5F4427/R2118], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

FOR FURTHER INFORMATION CONTACT: By mail: Dennis H. Edwards, Product Manager (PM) 19, Registration Division (7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 207, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)–305–6386; e-mail: Edwards.Dennis@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 8, 1995 (60 FR 7509), EPA issued a proposed rule that gave notice that the General Mills Co. had submitted pesticide petition (PP) 5F4427 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, amend 40 CFR 180.342 by establishing a tolerance for residues of the insecticide chlorpyrifos in or on the raw agricultural commodity oats at 15 ppm, provided that such tolerance applies only to oats that were treated post-harvest with chlorpyrifos on or before June 15, 1994; that such tolerance applies only to oats to be used as animal feed or as a constituent of animal feed; that, notwithstanding any other provision of law or regulation, this tolerance does not authorize the presence of residues of chlorpyrifos in any human food item made from such treated oats, other than residues resulting from the use of the oats for animal feed purposes; and that such tolerance expires on December 31, 1996.

To ensure that the oats would be unacceptable for human food production, General Mills stated that they would be blended to include not less than 3% barley and 97% oats. Accordingly, the definition of the raw agricultural commodity in the petition was amended to ''oats and barley when blended together in a mixture containing 97% oats and 3% barley.''

There were two comments received in response to the proposed rule. General Mills requested that the tolerance expression be changed to specify a minimum barley content and a maximum oat content. EPA has determined that the purpose of the blending would continue to be served by this change and has no objection to the request. The definition of the raw agricultural commodity in the rule is amended to ''oats and barley when blended together in a mixture containing not more than 97% oats and not less than 3% barley.''

The second comment was received from Michael A. Mentuck, president of Michael A. Mentuck & Associates, Inc., as an interested party and on behalf of one of the interested insurance companies to the circumstances of the petition. He suggested that there is the possibility that the oats containing chlorpyrifos would be acceptable in some foreign countries having appropriate tolerances that would allow the oats to be used as human food, and that the potential for export should be investigated. Alternatively, he suggested that the oats could be limited to use as animal feed in this country by spraying the oats with a dye, thus eliminating the additional expense of blending them with barley.

EPA has decided not to modify the proposed tolerances as suggested by Mr. Mentuck because of enforcement concerns with his suggestions. As to his export proposal, EPA believes it would be difficult to ensure that the adulterated oats, while still in shipment in this country, would not be diverted to domestic, human food use. Blending the oats with barley is a straightforward and effective way of ensuring that the oats will not be used as human food.

EPA has further concern about the use of a dye. Dyes are required for use on seed that is treated with a pesticide, the dye being an indicator that the seed is only to be used for growing crops, not for food or feed. To allow the use of a dye in the present situation could cloud the distinction between seed use and food or feed use. EPA has no supporting information that the dyed oats would be considered acceptable for feed use only and would not be used as human food.

The data submitted on the proposal and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerance will protect the public health. Therefore, the tolerance is established as set forth below.